

SENATE JOURNAL
Sixty-second General Assembly
STATE OF COLORADO
Second Regular Session

78th Legislative Day

Wednesday, March 22, 2000

Call to Order By the President at 9:00 a.m.

Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

Roll Call Present--Total, 28.
Absent/Excused--Congrove, Lacy, Owen, Rupert, Tanner, Tebedo, Wham--Total, 7.
Present later--Congrove, Lacy, Owen, Rupert, Tanner, Tebedo, Wham.

Quorum The President announced a quorum present.

Reading of Journal	On motion of Senator Anderson, reading of the Journal of Tuesday, March 21 st was dispensed with and the Journal stands approved as corrected by the Secretary.
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SENATE SERVICES REPORT

Senate
Services

Correctly printed: SB 00-208, 209.

INTRODUCTION OF BILL

The following bill was read by title and referred to the committee indicated:

HB 00-1393 by Representatives Ragsdale and Larson; also Senator Dyer--Concerning an increase in the maximum weight allowable for vehicles issued military veteran special license plates, and making an appropriation in connection therewith

Transportation
Appropriations

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB00-1055, 1164, 1421.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of General Orders.

Committee of the Whole On motion of Senator Evans, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Evans was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB	00-1322	by Rep. McKay; Sen. Musgrave--Species Introduction Limits	1
		<u>Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment</u>	2
		(Printed in Senate Journal, March 16, pages 645-646.)	3
		As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	4
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HB	00-1057	by Rep. Swenson; Senator Musgrave--Allow At-grade Intersections If Approved	10
		Ordered revised and placed on the calendar for Third Reading and Final Passage.	11
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HB	00-1269	by Rep. Coleman; Senator Epps--Info Technology For Blind	17
		<u>Amendment No. 1, Health, Environment, Welfare and Institutions Committee Amendment</u>	18
		(Printed in Senate Journal, March 17, page 662.)	19
		As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	20
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HB	00-1222	by Rep. Bacon; Senator Matsunaka--School Dist Critical Shortage Hirings	28
		(Amended in General Orders as printed in Senate Journal, March 21, pages 690-691.)	29
		<u>Amendment No. 1, by Senator Matsunaka</u>	30
		Amend reengrossed bill, page 2, line 11, strike "FOLLOWING" and	31
		substitute "IN ORDER FOR THE SCHOOL DISTRICT TO DECLARE A CRITICAL	32
		SHORTAGE, THE DISTRICT MUST HAVE POSTED THE VACANCY FOR A	33
		NONLICENSED POSITION FOR AT LEAST ONE MONTH, MUST HAVE SOLICITED	34
		APPLICATIONS THROUGH LOCAL NEWSPAPERS, AND MUST HAVE	35
		DETERMINED THAT THERE IS AN INSUFFICIENT NUMBER OF ELIGIBLE	36
		APPLICANTS FOR NONLICENSED POSITIONS. FOLLOWING".	37
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		As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	41
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SB	00-164	by Sen. Lamborn; Rep. McElhany--CSOBA	47
		<u>Amendment No. 1, State, Veterans, and Military Affairs Committee Amendment</u>	48
		(Printed in Senate Journal, March 6, pages 492-516.)	49
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			51
		<u>Amendment No. 2, by Senator Lamborn</u>	52
		Amend the committee amendment, as printed in Senate Journal, March	53
		6, page 493, strike lines 49 and 50 and substitute the following:	54
			55
		"(4.2) "Depositor" means any person who makes deposits in	56
		accordance with a savings contract." ;	57
		line 64, before "PREPAID", insert "COLORADO".	58
			59
		Page 494, line 14, after "THE", insert "COLORADO".	60
			61
		Page 495, line 14, strike "AUTHORITY, AS IT EXISTED PRIOR TO JULY 1,	62
		2000," and substitute "AUTHORITY";	63
			64
		line 46, strike the second "TO" and substitute "WITH";	65
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		line 47, strike "IN" and substitute "TO".	67
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		Page 497, line 15, strike "compensation and" and substitute	69
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"~~compensation and~~";

line 46, after "BY", insert "OR ON BEHALF OF".

Page 498, line 2, strike "BY";

line 3, strike "BY";

strike line 52 and substitute the following:

"director - powers and duties. IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFICALLY GRANTED BY LAW, THE EXECUTIVE".

Page 500, line 58, strike "THE STATE TREASURER SHALL INVEST";

strike lines 59 through 63;

line 64, strike "EXPENSE PROGRAM.".

Page 501, line 1, strike "COLORADO";

line 10, after the period, insert "THE STATE TREASURER SHALL INVEST MONEYS IN THE PREPAID EXPENSE TRUST FUND BASED UPON THE ADVICE AND RECOMMENDATIONS OF THE AUTHORITY AND SHALL MAKE DISBURSEMENTS FROM THE PREPAID EXPENSE TRUST FUND IN CONNECTION WITH THE PREPAID EXPENSE PROGRAM BASED UPON THE DIRECTION OF THE AUTHORITY AND IN A MANNER APPROPRIATE TO CARRY OUT THE PREPAID EXPENSE PROGRAM.";

line 56, after "THE", insert "PREPAID EXPENSE".

Page 504, line 34, strike "or savings" and substitute "~~or savings~~";

line 35, strike "or savings" and substitute "~~or savings~~".

Page 506, line 54, strike "SECTION AND SECTION" and substitute "SECTION,";

line 55, strike "23-3.1-307.7,".

Page 507, line 13, after "BY", insert "OR ON BEHALF OF";

line 17, strike "AUTHORITY." and substitute "AUTHORITY IN CONNECTION WITH THE PREPAID EXPENSE PROGRAM.";

line 34, after "THE", insert "PREPAID EXPENSE".

Page 515, line 42, strike "WITH WHOM" and substitute "ENGAGED BY THE AUTHORITY,";

strike line 43.

Page 516, line 8, strike "college savings" and substitute "~~college savings~~".

Amendment No. 3, by Senator Lamborn

Amend the Education Committee amendment, as printed in Senate Journal, March 6, page 493, strike lines 43 through 47.

Page 505, line 38, strike "then" and substitute "~~then~~";

line 39, strike "book value" and substitute "~~book value~~ MARKET VALUE OF INVESTABLE ASSETS" and after "FUND;";, insert "EXCEPT THAT, SUCH AMOUNT MAY EXCEED FIVE PERCENT, FOR A PERIOD NOT TO EXCEED SIXTY CONSECUTIVE DAYS;";

line 49, strike "then book value" and substitute "~~then book value~~ MARKET VALUE OF INVESTABLE ASSETS";

line 50, after "FUND;";, insert "EXCEPT THAT SUCH MARKET VALUE OF

INVESTABLE ASSETS MAY EXCEED SIXTY PERCENT, BY NOT MORE THAN FIVE PERCENT, FOR A PERIOD NOT TO EXCEED SIXTY CONSECUTIVE DAYS;".

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB 00-172 by Sen. Evans; Rep. Kaufman--Title Setting Procedures (Amended in General Orders as printed in Senate Journal, February 17, pages 340-341, and February 18, page 353.)

Amendment No. 1, State, Veterans, and Military Affairs Committee Amendment
(Printed in Senate Journal, March 17, page 663.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

HB 00-1313 by Rep. McElhany; Sen. Epps--Voting Assistance At Elections

Amendment No. 1, State, Veterans, and Military Affairs Committee Amendment
(Printed in Senate Journal, March 17, pages 663-664.)

Amendment No. 2, by Senator Epps

Amend the State Veterans and Military Affairs Committee report, as printed in Senate Journal, March 17, 2000, page 664, line 6, strike "shall";

strike lines 7 through 9 and substitute the following:

~~"shall not in any way attempt to persuade or induce the elector to vote in a particular manner nor will I cast the elector's vote other than as directed by the elector whom I am assisting~~ CERTIFY THAT I AM THE INDIVIDUAL CHOSEN BY THE DISABLED ELECTOR TO ASSIST THE DISABLED ELECTOR IN CASTING A BALLOT.""

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB 00-1095 by Rep. Berry; Senator Blickensderfer--Municipal Elections Revisions

Laid over until Thursday, March 23, retaining its place on the calendar.

HB 00-1326 by Rep. Scott; Sen. Lamborn--Uniform Principal And Income Act

Amendment No. 1, by Senators Evans and Lamborn

Amend reengrossed bill, page 5, after line 12, insert the following:

"(3) THE TERMS AND CONDITIONS OF A TRUST OR A WILL SHALL GOVERN ALL ACTIONS TAKEN BY A FIDUCIARY IN CONNECTION WITH THE ADMINISTRATION OF SUCH TRUST OR WILL. THE PROVISIONS OF THIS PART 4 ARE DEFAULT PROVISIONS AND MAY BE EXPANDED, RESTRICTED, ELIMINATED, OR OTHERWISE ALTERED BY THE PROVISIONS OF A TRUST OR A WILL. THE PROVISIONS OF THIS PART 4 SHALL GOVERN THE ADMINISTRATION OF A TRUST OR WILL BY A FIDUCIARY ONLY IF SUCH TRUST OR WILL CONTAINS NO CORRESPONDING PROVISION, AND IF THE FIDUCIARY IS OTHERWISE UNABLE TO DETERMINE THE INTENTION OF THE CREATOR OF THE TRUST OR WILL.

(4) NOTHING IN THIS PART 4 SHALL BE CONSTRUED TO LIMIT OR

RESTRICT A CREATOR OF A TRUST OR WILL FROM MAKING PROVISIONS IN SUCH TRUST OR WILL THAT ARE DIFFERENT FROM THE PROVISIONS IN THIS PART 4."

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB 00-1347 by Rep. Spradley; Senator Perlmutter--Sweepstakes And Contests
Laid over until Thursday, March 23, retaining its place on the calendar.

HB 00-1225 by Rep. King; Senator Owen--Defined Comp Plan For Deferred Comp
Ordered revised and placed on the calendar for Third Reading and Final Passage.

SB 00-196 by Sen. Wattenberg; Rep. George--Utility Service For Subdivisions
Laid over until Thursday, March 23, retaining its place on the calendar.

SB 00-197 by Sen. Wattenberg; Rep. George--Utility Siting Of Electrical Facility
Laid over until Thursday, March 23, retaining its place on the calendar.

HB 00-1234 by Rep. Mitchell; Sen. Hillman--Death Penalty Aggravator
Ordered revised and placed on the calendar for Third Reading and Final Passage.

The following bills on the General Orders calendar of Wednesday, March 22, were laid over until Thursday, March 23:

HB00-1336, HB00-1299, HB00-1249, HB00-1144, HB00-1229, HB00-1394, HB00-1319, HB00-1208, HB00-1096, HB00-1284, HB00-1202, HB00-1277, HB00-1150, SB00-141, SB00-178, HB00-1056, HB00-1352, HB00-1122, HB00-1333, HB00-1167, HB00-1182, HB00-1001, HB00-1291.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Evans, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

HB00-1057, HB00-1225, HB00-1234 declared passed on Second Reading.
HB00-1322, as amended; HB00-1269, as amended; HB00-1222, as amended; SB00-164, as amended; SB00-172, as amended; HB00-1313, as amended; HB00-1326, as amended; declared passed on Second Reading.
HB00-1095, HB00-1347, SB00-196, SB00-197, HB00-1336, HB00-1299, HB00-1249, HB00-1144, HB00-1229, HB00-1394, HB00-1319, HB00-1208, HB00-1096, HB00-1284, HB00-1202, HB00-1277, HB00-1150, SB00-141, SB00-178, HB00-1056, HB00-1352, HB00-1122, HB00-1333, HB00-1167, HB00-1182, HB00-1001, HB00-1291 laid over until Thursday, March 23, retaining their place on the calendar.

THIRD READING OF BILLS--FINAL PASSAGE

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB 00-1114 by Rep. Lee; Senator Chlouber--Concealed Weapon Permit Information

The question being "Shall the bill pass?" the roll was called with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	Y
Dennis	Y	Linkhart	N	Reeves	N	Wham	N
Dyer	Y	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	N	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Andrews, Epps, Evans, Hillman, Lacy, Lamborn, Musgrave, Owen, Tebedo, Teck.

HB 00-1127 by Rep. Fairbank; Sen. Hillman--No Student Fees For Political Activities

Call of Senate.

Call Raised.

The question being "Shall the bill pass?" the roll was called with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	N	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	N	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	N
Dennis	Y	Linkhart	N	Reeves	N	Wham	N
Dyer	N	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	N	Sullivan	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Andrews, Blickensderfer, Congrove, Epps, Lamborn, Musgrave, Tebedo, Teck.

IMMEDIATE RECONSIDERATION OF HB00-1127

HB 00-1127 by Rep. Fairbank; Sen. Hillman--No Student Fees For Political Activities

Having voted on the prevailing side, Senator Hillman moved for immediate reconsideration of HB00-1127.

Immediate reconsideration was denied by the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	Musgrave	N	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	N	Hernandez	Y	Owen	N	Teck	N
Blickensderfer	N	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	N	Lacy	N	Perlmutter	Y	Wattenberg	N
Congrove	N	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	N	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	N
Epps	N	Matsunaka	Y	Sullivan	Y		

THIRD READING OF BILLS--FINAL PASSAGE - CONTINUED

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB 00-1119 by Rep. McKay; Senator Anderson--Exchange Of Juvenile Information

The question being "Shall the bill pass?" the roll was called with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Blickensderfer, Dyer, Epps, Feeley, Hernandez, Sullivant, Wattenberg.

HB 00-1078 by Rep. Leyba; Senator Epps--Penalties For False Medicaid Claims

The question being "Shall the bill pass?" the roll was called with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Evans, Powers.

HB 00-1416 by Rep. Tool; Senator Lacy--Suppl Approp Capital Const

The question being "Shall the bill pass?" the roll was called with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Blickensderfer, Reeves, Wham.

HB 00-1207 by Rep. Larson; Sen. Wham--Treatment Of Mentally Ill Out Of State

The question being "Shall the bill pass?" the roll was called with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Tebedo, Weddig.

HB 00-1186 by Rep. George; Senator Anderson--Motor Vehicle Dealers

The question being "Shall the bill pass?" the roll was called with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	N
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	N	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	N
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

HB 00-1260 by Rep. Dean; Senator Lacy--Exonerating Persons Executing Bail Bonds

The question being "Shall the bill pass?" the roll was called with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	N	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

HB 00-1300 by Rep. Tochtrop; Senator Rupert--Audiologists & Hearing Aid Providers

The question being "Shall the bill pass?" the roll was called with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Blickensderfer, Epps, Evans, Hernandez, Martinez, Pascoe, Powers, Tanner.

SB 00-202 by Sen. Hillman; Rep. McElhany--Reciprocal Insurer Tax On Premiums

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	N
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

HB 00-1265 by Rep. Miller; Sen. Dyer--Redefine Ag Borrower

The question being "Shall the bill pass?" the roll was called with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsor added: Chlouber.

HB 00-1099 by Rep. Morrison; Senator Chlouber--Health Standards For Jails

The question being "Shall the bill pass?" the roll was called with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

Co-sponsors added: Hernandez, Rupert.

HB 00-1007 by Rep. Williams S.; Senator Dyer--RTD Revenues

The question being "Shall the bill pass?" the roll was called with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared PASSED.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House amendments to Senate Bill00-186.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL

SB 00-186 by Sen. Anderson; Rep. Allen--Education Reform

Senator Anderson moved that the Senate not concur in House amendments to SB00-186, as printed in House Journal, March 20, pages 1013-1039, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was ADOPTED.

The President appointed Senators Anderson, Chairman, Teck and Hernandez as Senate Conferees on the First Conference Committee on SB00-186.

Senator Anderson moved that the Senate Conferees on the First Conference Committee on SB00-186 be given the powers to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was declared ADOPTED.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, March 22, was laid over until Thursday, March 23, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate Services

Correctly revised: HB 00-1057, 1222, 1225, 1234, 1269, 1313, 1322, 1326.
Correctly engrossed: SB 00-164, 172.
Correctly enrolled: SJR 00-010.

COMMITTEE OF REFERENCE REPORTS

Trans-
portation

After consideration on the merits, the committee recommends that SB00-203 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, line 20, strike "WORK;" and substitute "WORK BY EITHER THE UTILITY COMPANY OR THE CONTRACTOR FOR THE DESIGN-BUILD TRANSPORTATION PROJECT, AS SPECIFIED IN THE AGREEMENT;".

Page 4, strike lines 21 through 24 and substitute the following:

"BUT NOT LIMITED TO, THE ALLOCATION OF".

Page 5, line 3, after "PROJECT", insert "THAT IMPACT UTILITY RELOCATION WORK";

line 17, strike "PRIOR".

Page 6, line 10, strike "RELOCATION;" and substitute "RELOCATION, AND NOTHING IN THIS PART 14 IS INTENDED TO ALTER THE DEPARTMENT'S OBLIGATION TO PAY FOR UTILITY RELOCATIONS PURSUANT TO SECTION 43-1-225;"

line 24, after "COMPANY", insert "OF ANY DESIGN WORK";

line 25, strike "DESIGN WORK OR".

Page 7, line 2, strike "COMPANY; AND" and substitute "COMPANY. THE DEPARTMENT ALSO RECOGNIZES THE OBLIGATION OF UTILITY COMPANIES TO MAINTAIN SERVICE TO THEIR CUSTOMERS, AND THE DEPARTMENT AGREES TO WORK WITHIN UTILITY COMPANY TERMS AND CONDITIONS TO MAINTAIN SERVICE CONTINUITY.";

line 10, strike "(2)" and substitute "**43-1-1411. Project specific utility relocation agreements.** (1)".

Renumber succeeding subsections accordingly.

Renumber succeeding C.R.S. section accordingly.

Page 8, line 3, after "COMPANY.", add "THE PERFORMANCE OF ANY RELOCATION WORK SHALL ALSO BE SUBJECT TO INSPECTION AND APPROVAL BY THE UTILITY COMPANY PRIOR TO COMPLETION OF THE RELOCATION WORK, AND THE DEPARTMENT SHALL TAKE APPROPRIATE MEASURES TO ENSURE SERVICE CONTINUITY.";

before line 4, insert the following:

"(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT WORK WITH THE UTILITY COMPANY TO COME TO A MUTUALLY SATISFACTORY AGREEMENT WITH THE UTILITY COMPANY SO THAT THE DESIGN-BUILD TRANSPORTATION PROJECT MAY PROCEED TO BE CONSTRUCTED IN AN EFFICIENT MANNER WITHOUT CAUSING INTERRUPTION OF UTILITY SERVICES. IF THE UTILITY COMPANY IS UNABLE TO REACH A PROJECT SPECIFIC UTILITY RELOCATION AGREEMENT WITH THE PROJECT MANAGER NEGOTIATING SUCH AGREEMENT FOR THE DEPARTMENT, THE UTILITY COMPANY SHALL BE PROVIDED THE OPPORTUNITY TO ADDRESS ITS CONCERNS WITH THE DEPARTMENT'S DISTRICT ENGINEER, WHO SHALL GIVE DUE CONSIDERATION TO ALL ISSUES RAISED BY THE UTILITY COMPANY AND SHALL STRIVE TO ACCOMMODATE REASONABLE MODIFICATIONS REQUESTED BY THE UTILITY COMPANY TO THE DEPARTMENT'S PROPOSED PROJECT SPECIFIC UTILITY RELOCATION AGREEMENT. IF AN AGREEMENT CANNOT BE REACHED BETWEEN THE DISTRICT ENGINEER AND THE UTILITY COMPANY, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL REVIEW THE DISPUTED ISSUES AND SEEK TO RESOLVE THE DISPUTE. IF THE EXECUTIVE DIRECTOR IS UNABLE TO REACH AGREEMENT WITH THE UTILITY COMPANY, THE EXECUTIVE DIRECTOR SHALL PREPARE A WRITTEN REPORT SETTING FORTH THE REASONS THAT THE DISPUTE COULD NOT BE RESOLVED AND SHALL PROVIDE SUCH REPORT TO THE UTILITY COMPANY WITHIN THREE BUSINESS DAYS.";

Renumber succeeding subsections accordingly.

Page 8, line 6, strike "WORK, THE" and substitute "WORK:";

strike line 7;

line 8, strike "DIRECT" and substitute "THE DEPARTMENT MAY DIRECT";

line 12, strike "OBLIGATE THE" and substitute "THE" and strike "TO" and substitute "SHALL";

line 24, strike "WITHHOLD" and substitute "THE DEPARTMENT MAY WITHHOLD".

Page 9, line 3, after "CONTRACTOR.", add "ANY PERSON AGGRIEVED BY AN ACTION OF THE DEPARTMENT IN DENYING A PERMIT MAY APPLY TO A COURT OF COMPETENT JURISDICTION FOR APPROPRIATE RELIEF PURSUANT TO THE COLORADO RULES OF CIVIL PROCEDURE OR SECTION 24-4-106, C.R.S.";

strike line 19 and substitute the following:

"DEPARTMENT SHALL FUND THE INITIAL RELOCATION OF THE EASEMENT OWNER'S FACILITIES AND SHALL ALSO FUND ALL FUTURE RELOCATIONS OF THOSE UTILITY COMPANIES WHOSE FACILITIES OCCUPY THE EASEMENT AT THE TIME OF THE DESIGN-BUILD TRANSPORTATION PROJECT AT THE DEPARTMENT'S";

line 20, strike "FACILITIES AT ITS";

strike line 21 and substitute the following:

"COMPANIES FOR THE LOSS OF THE EASEMENT.";

line 22, strike "ELECTS.".

Page 10, line 14, strike "43-1-1410" and substitute "43-1-1411";

line 18, strike "43-1-1410" and substitute "43-1-1411".

Finance

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1348

Finance

After consideration on the merits, the committee recommends that HB00-1306 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 3, strike lines 21 and 22 and substitute the following:

"CLAIMED UP THROUGH TAX YEAR 2009 ON THE EARLIEST POSSIBLE SUBSEQUENT TAX RETURN.".

Finance

After consideration on the merits, the committee recommends that HB00-1302 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 6, strike line 4 and substitute the following:

"SUBSEQUENT YEARS' INCOME TAX LIABILITY UP TO TAX YEAR 2012";

line 5, strike "SIX YEARS".

Judiciary	After consideration on the merits, the committee recommends that <u>HB00-1216</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:	1 2 3 4 5 6 7 8 9 10 11
	Amend reengrossed bill, page 8, line 3, strike " after a hearing " and substitute "after a hearing THAT PROCEEDING, BASED ON THE COMPETENT EVIDENCE IN THE AFFIDAVIT, THE EXPLANATION OF THE PROSECUTING ATTORNEY, AND ANY ARGUMENT OF THE PARTIES,".	12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
Judiciary	After consideration on the merits, the committee recommends that <u>HB00-1214</u> be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:	32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62
	Amend reengrossed bill, page 1, line 7, strike "OR";	63 64 65 66 67 68 69 70 71 72
	line 8, strike "PURCHASE".	
	Page 2, strike lines 2 through 5;	
	line 6, strike "(3)" and substitute "(2)";	
	line 10, strike "(4)" and substitute "(3)";	
	line 17, strike "(4)" and substitute "(3)".	
	Page 1, line 102, strike "PURCHASE" and substitute "POSSESS".	
Appropriations	After consideration on the merits, the committee recommends that <u>SB00-170</u> be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:	
	Amend printed bill, page 2, strike lines 18 through 23, and substitute the following:	
	"SECTION 2. Appropriation - adjustment in 2000 long bill.	
	(1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of higher education, for allocation to the state historical society, for the fiscal year beginning July 1, 2000, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, for the implementation of this act.	
	(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:	
	(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by two hundred fifty thousand dollars (\$250,000).	
	(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by two hundred fifty thousand dollars (\$250,000)."	
Appropriations	After consideration on the merits, the committee recommends that <u>SB00-020</u> be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:	
	Amend printed bill, page 1, after line 8, insert the following:	
	"SECTION 2. Appropriation - adjustment in 2000 long bill.	
	(1) In addition to any other appropriation, there is hereby appropriated,	

out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, medical services premiums, for the fiscal year beginning July 1, 2000, the sum of eighteen thousand nineteen dollars (\$18,019), or so much thereof as may be necessary, for the implementation of this act.

(2) The general assembly anticipates that, for the fiscal year beginning July 1, 2000, the department of health care policy and financing, medical services premiums, will receive the sum of eighteen thousand twenty dollars (\$18,020) in federal funds for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(3) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by eighteen thousand nineteen dollars (\$18,019).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by eighteen thousand nineteen dollars (\$18,019).".

Renumber succeeding section accordingly.

Page 1, line 103, strike "ACT". and substitute "ACT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".

Appropriations

After consideration on the merits, the committee recommends that HB00-1020 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 9, after line 16, insert the following:

"SECTION 3. Appropriation - adjustments to the 2000 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, children, youth and families, child care, for the reimbursement of expenses incurred by members of the child care commission who are not members of the general assembly, for the fiscal year beginning July 1, 2000, the sum of two thousand six hundred forty dollars (\$2,640), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the reimbursement of expenses incurred by members of the child care commission who are members of the general assembly, for the fiscal year beginning July 1, 2000, the sum of three thousand seven hundred ninety-two dollars (\$3,792), or so much thereof as may be necessary, for the implementation of this act.

(3) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by six thousand four hundred thirty-two dollars (\$6,432).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by six thousand four hundred thirty-two dollars (\$6,432).".

Renumber succeeding section accordingly.

Page 1, line 102, strike "COMMISSION." and substitute "COMMISSION, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: HB00-1161

Appropriations After consideration on the merits, the committee recommends that the following be postponed indefinitely: SB00-168

Appropriations After consideration on the merits, the committee recommends that the following be postponed indefinitely: SB00-159

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB00-1097 and 1301.
The President has signed: SJR 00-010.

JOURNAL CORRECTION

Amend the Senate Journal, February 21, page 367, strike lines 27 through 30.

On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Thursday, March 23, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate